
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Aleluya Broadcasting Network |) | File No.: EB-FIELDSCR-13-00009023 |
| |) | |
| Licensee of Station K236AR |) | NOV No.: V201332540014 |
| |) | |
| Angleton, Texas |) | Facility ID: 142962 |
| |) | |

NOTICE OF VIOLATION

Released: July 1, 2013

By the Resident Agent, Houston Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Aleluya Broadcasting Network, licensee of radio station K236AR in Angleton, Texas. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On June 4, 2013 an agent of the Enforcement Bureau's Houston Office inspected radio station K236AR located in Angleton, Texas, and observed the following violations:

- a. 47 C.F.R. § 74.1231(b): "An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section..." At the time of inspection, the agent observed that Aleluya Broadcasting Network's FM Translator Station K236AR was not receiving a direct off-the-air signal but instead was using an internet facility to receive the programming it was broadcasting.
- b. 47 C.F.R. § 74.1231(e) "An FM translator shall not deliberately retransmit the signals of any station other than the station it is authorized to transmit.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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Precautions shall be taken to avoid unintentional retransmission of such other signals.” At the time of inspection, station K236AR was rebroadcasting programming it had not intended to rebroadcast.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Aleluya Broadcasting Network must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Aleluya Broadcasting Network to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Aleluya Broadcasting Network with personal knowledge of the representations provided in Aleluya Broadcasting Network’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Houston Office
9597 Jones Road, #362
Houston, Texas 77065

6. This Notice shall be sent to Aleluya Broadcasting Network at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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Stephen P. Lee
Resident Agent
Houston District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).